

### III. REMARKS

The Examiner has made a Restriction between species A (Figs. 1-2, 5-19), species B (Fig. 20), species C (Fig. 21), species D (Fig. 22), species E (Fig. 23), species F (Fig. 24), species G (Fig. 25), species H (Fig. 26), species I (Fig. 27). The Applicant respectfully notes that the Restriction in this Action is defective, at least because the Examiner has failed to provide any reason for requiring the Restriction. The Examiner states that aforementioned species A-I, are each patentably distinct. This however, is merely a conclusory statement, and amounts to no more than a bare restriction itself. MPEP 803 requires that the Examiner state the reasons supporting the conclusion that the claims in the application are drawn to patentably distinct species (see also MPEP 806.05(c)). However, no such reasons are included in the Action. Accordingly, the Restriction should be withdrawn. It is noted, that the above is not and should not be construed as either an admission or confirmation that the noted species A-I are or are not patentably distinct. Rather, it is a notation that the Restriction as made is defective and should be withdrawn. Further, it is also noted that a Restriction is proper only if there would be a serious burden on the Examiner if the Restriction is not required (MPEP 803).

In any event, pursuant to 35 U.S.C. 121, the Applicant provisionally (in view of the aforementioned defect in the Restriction) elects to continue prosecution of species G (Fig. 25) in the instant application. Claims 1-7, 9 and 13-28 read on Fig. 25. The Examiner appears to agree that at least claims 1 and 9 are generic. Claims 8, and 10-12 are provisionally withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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5/2/05

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#### CERTIFICATE OF MAILING

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